

11/12/2004 16:47 FAX 202 331 7982

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002/005

Nov 12 2004 12:06

CHAPIN & HUANG, L.L.C.

15086169805

p. 2



ATTORNEY DOCKET NO. : CIS00-2413

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Lewis D. Dodrill, Ryan A. Danner, and Steven J. Martin
Serial No.: 09/679,109
For: APPARATUS AND METHODS FOR CONVERTING TEXTUAL
INFORMATION TO AUDIO-BASED OUTPUT
Filing Date: October 4, 2000
Examiner: Han, Qi
Art Unit: 2654
Conf. No.: 1822

Certificate of Mailing Under 37 C.F.R. §1.8

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Signature: _____

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Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

AFFADAVIT UNDER 37 CFR 1.131

1. I, Lewis D. Dodrill, am a co-inventor of "Apparatus and Method for Converting Textual Information to Audio-based Output" now before the U. S. Patent Office as Application Number 09/679,109.

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p. 3

2. It is my belief that inventorship in the above-identified patent application is correct.
3. Prior to March 24, 2000, I conceived of the invention of "Apparatus and Method for Converting Textual Information to Audio-based Output" now before the U. S. Patent Office as Application Number 09/679,109 jointly with the co-inventors named in the above-identified patent application.
4. Prior to March 24, 2000, I jointly, with the co-inventors named in the above-identified patent application, reduced to practice the invention described and claimed in Application Number 09/679,109, now pending in the U.S. Patent Office, as evidenced by the attached invention disclosure.
5. All of the statements made herein are of my own knowledge and are true, these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application and any patent issuing thereon, or any patent to which this verified statement is applied.

11/12/04
Date of Signature

By 
Lewis D. Dodrill



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Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450 on:

Date: 11/9/2004

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Commissioner for Patents
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Alexandria, Virginia 22313-1450

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1. I, Ryan A. ^{Danner}~~Dodrill~~ am a co-inventor of "Apparatus and Method for Converting Textual Information to Audio-based Output" now before the U. S. Patent Office as Application Number 09/679,109.


2. It is my belief that inventorship in the above-identified patent application is correct.

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11/9/2004
Date of Signature

By: 
Ryan A. ~~Danner~~
DANNER



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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: **MAIL STOP AMENDMENT**, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450 on:

Date: December 14, 2004

By: Mary A. Maietta
(Typed or printed name of person mailing
Document, whose signature appears below)

Signature: Mary A. Maietta

MAIL STOP AMENDMENT
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Declaration Of David W. Rouille

Dear Sir:

1. My name is David W. Rouille and I am an attorney registered to practice before the United States Patent and Trademark Office, Registration No. 40, 150.

2. On or about November 4, 2004 I contacted Steven J. Martin via email at email address sim@cmguc.com regarding my plan to swear behind the references cited by the Examiner. A copy of the email is attached hereto.
3. On or about November 12, 2004 I telephoned Steven J. Martin at (804) 762-5601. I discussed the office action with Mr. Martin and explained the affidavit (included with the email of November 4, 2004). Mr. Martin agreed to sign the affidavit and fax it back to me. Mr. Martin also explained to me how I may be able to get in touch with Mr Dodrill.
4. On or about November 15, I sent a reminder email to Mr. Martin regarding the affidavit and that I had received signed affidavits from the othe rinvetors. A copy of this email is attached hereto.
5. Between November 18, 2004 and December 7, 2004 I telephoned Mr. Martin several times. In each instance I left a voice mail message for Mr. Martin inquiring about the affidavit.
6. On December 7, 2004 I sent Mr. Martin another email regarding the affidavit. I received no answer from Mr.Martin regarding the email or phone messages. From this I assume that Mr. Martin is either unavailable or refuses to sign the affidavit.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,



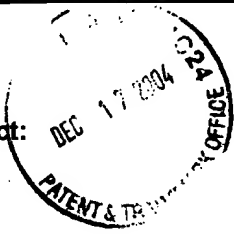
David W. Rouille, Esq.
Attorney for Applicant(s)
Registration No.: 40,150
CHAPIN & HUANG, L.L.C.
Westborough Office Park
1700 West Park Drive
Westborough, Massachusetts 01581
Telephone: (508) 366-9600
Facsimile: (508) 616-9805

Attorney Docket No.: CIS00-2413

Date: December 14, 2004

David Rouille

From: David Rouille
Sent: Thursday, November 04, 2004 2:52 PM
To: 'sjm@cmguc.com'
Subject: affidavit regarding patent application titled "Apparatus and Methods for Converting Textual Information to Audio-based Output"



Steven,

I am the patent attorney prosecuting this application through the Patent Office for Cisco. We received a rejection, citing three patents. Instead of arguing around the patents we can do something called "swearing behind" these patents. In this case, the date of invention precedes the priority date of the three patents cited against your application. I have prepared an affidavit (for each inventor) which basically states that you conceived of this prior to the date of the other patents. I will submit the CPOL record (with dates and product names redacted) as proof. Please review the attached affidavit and, if correct, sign and date. You can fax the signed affidavit back to me. Please feel free to contact me directly if you have any questions. Once I receive signed affidavits from all the inventors, I will file the response.

Regards,
Dave



CIS00-2413 1.131
Affidavit - M...

David W. Rouille
Chapin & Huang, LLC
Westborough Office Park
1700 West Park Drive
Westborough, MA 01581
(508)366-9600 (phone)
(508)616-9805 (fax)

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Date of Signature

By: _____
Steven J. Martin

David Rouille

From: David Rouille
Sent: Monday, November 15, 2004 10:37 AM
To: 'sjm@cmguc.com'
Subject: affidavit



Steve,

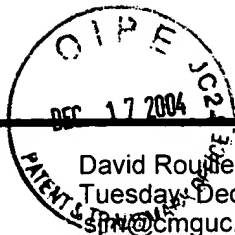
I have received signed affidavits back from Ryan Danner and Dean Dodrill. I need yours to complete the filing. I need to file this by tomorrow to avoid late fees. I tried to call you, but your phone rings twice then disconnects (804762-5601). Please reply or call me to let me know if you will sign the affidavit or if you have any questions about it.

thanks,
Dave

David W. Rouille
Chapin & Huang, LLC
Westborough Office Park
1700 West Park Drive
Westborough, MA 01581
(508)366-9600 (phone)
(508)616-9805 (fax)

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David Rouille



From: David Rouille
Sent: Tuesday, December 07, 2004 9:49 AM
To: 'sjm@cmguc.com'
Subject: FW: affidavit regarding patent application titled "Apparatus and Methods for Converting Textual Information to Audio-based Output"

Steve,
I need to file this by December 16 to avoid another late fee. I am assuming you are off site or otherwise unavailable. Please confirm that you will sign the affidavit and fax it back to me so I can file the response. I have signed affidavits from the other inventors. If I don't hear from you by December 13, I will assume you refuse to sign the affidavit and will continue with a procedure called "non-cooperative inventor" wherein I file a petition stating that I sent the affidavit to you and you refused to sign, that you have a duty to sign as part of your prior employment agreement with Cisco and asking the PTO to accept the unsigned affidavit as if it were signed. They will then send you a copy of the petition for your records so you are aware what is going on. This procedure is a pain and I prefer not to go this route if I can avoid it. I have enclosed my original message with the affidavit attached.

Thanks,
Dave

-----Original Message-----

From: David Rouille
Sent: Thursday, November 04, 2004 2:52 PM
To: 'sjm@cmguc.com'
Subject: affidavit regarding patent application titled "Apparatus and Methods for Converting Textual Information to Audio-based Output"

Steven,
I am the patent attorney prosecuting this application through the Patent Office for Cisco. We received a rejection, citing three patents. Instead of arguing around the patents we can do something called "swearing behind" these patents. In this case, the date of invention precedes the priority date of the three patents cited against your application. I have prepared an affidavit (for each inventor) which basically states that you conceived of this prior to the date of the other patents. I will submit the CPOL record (with dates and product names redacted) as proof. Please review the attached affidavit and, if correct, sign and date. You can fax the signed affidavit back to me. Please feel free to contact me directly if you have any questions. Once I receive signed affidavits from all the inventors, I will file the response.

Regards,
Dave



CIS00-2413 1.131
Affidavit - M...

David W. Rouille
Chapin & Huang, LLC
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1700 West Park Drive
Westborough, MA 01581
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